CASE OFFICER'S REPORT

Application Reference:	PL/2023/11219
Application Type:	Outline planning permission: Some matters reserved
Site Inspection:	29 February 2024
Consultation ends:	25 July 2024
Case officer:	Meredith Baker

Site Address:	133 Yarnbrook Road, West Ashton, Trowbridge, BA14 6AF
Proposal:	Erection of 4No dwellings (Outline application with all matters reserved except for Access and Layout).
Recommendation:	Refuse

Planning Policy

National Planning Policy Framework 2023 (NPPF)

Section 2 (Achieving sustainable development)
Section 4 (Decision-making)
Section 5 (Delivering a sufficient supply of homes)
Section 8 (Promoting healthy and safe communities)
Section 9 (Promoting sustainable transport)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)
National Design Guidance

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 29: Spatial Strategy for the Trowbridge Community Area
Core Policy 41: Sustainable Construction and Low Carbon Energy
Core Policy 50: Biodiversity and Geodiversity
Core Policy 51: Landscape
Core Policy 57: Ensuring High-Quality Design and Place-Shaping
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development
Core Policy 62: Development Impacts on the Transport Network
Core Policy 64: Demand Management
Core Policy 67: Flood Risk
Core Policy 68: Water Resources

West Ashton Neighbourhood Plan

Policy 3 – Design
Policy 6a – Housing
Policy 6b – Renewable Energy
Policy 7 – Infrastructure Priorities
Policy 8 – Bat Conservation

Saved Policy from West Wiltshire District Local Plan

U1a – Foul Water Drainage

Other Documents

Waste Storage and Collection: Guidance for Developers
Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)
Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)
Wiltshire Design Guidance
The Habitat Directive and Habitat Regulations
The Trowbridge Bat Mitigation Strategy SPA

Relevant Planning History:

W/74/00914/HIS - Site for four dwellings (outline) - Refused
W/79/01452/HIS - Use of premises for sale of competition motor cycles, spare parts and repairs - Refused
W/81/00339/HIS - Outline, dwelling house – Refused
W/88/01666/FUL - Erection of three bungalows – Refused - Appealed
W/91/00112/FUL - Alteration of access – Approved
W/91/00494/FUL – Garage – Approved
15/06944/PDENQ - Mobile home or caravan in garden – Planning Permission not required
PL/2023/05445 – Proposed Loft Conversion with dormer window - Approved

Consultation Responses

West Ashton Parish Council: "The Parish Council objects for the following;
The area regularly floods, which is often caused by blockage / uncleared parts further down stream.
- A previous application on this are of the A350 to rebuild a demolished dwelling required significant tree planting that is not possible here.
- The footpath runs beside the A350 only as far as the field gate, which the access is intended to be closed off.
- The A350 is extremely busy in this area and will be more so if and when the Ashton Park development commences."

North Bradley Parish Council: "At the Parish Council meeting on 4th March, councillors resolved to object to this application on the grounds of already excessive flooding in the area and dangerous vehicular access with no footpath."

Archaeology Officer: No objection subject to condition.

Drainage Officer: Initial comments and Final comments: Objection with final comments stated that the applicant has not demonstrated that the layout of the site has followed a Sequential Approach to managing flood risk, or that it meets the requirements of the Sequential Test. It was also outlined that the submitted drainage strategy does not demonstrate that surface water runoff can be safely managed.

Ecology Officer: Initial and Final comments: Objection with final comments concluding that insufficient information has so far been submitted to enable an AA to be completed, which must be completed, and the conclusion agreed with Natural England prior to the application being determined. Further information is also required to demonstrate that the development is in accordance with the TBMS (and therefore Policy 8 of the West Ashton NDP) and Core Policy 50.

Highway Officer: Initial comments: "The site is located outside of the settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors/lack of pedestrian facilities/safe cycling provision. The proposal is therefore, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 108, 110, 114 & 116 of the National Planning Policy Framework Dec 2023, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives in order to promote a sustainable pattern of development.
The accompanying information does not illustrate an adequate access in width or provide the achievable visibility splay.
The proposed development would increase traffic (including pedestrian) movements across a busy section of the A350. The site sits close to the Yarnbrook roundabout on the A350 and the A350 is identified as a 'primary route' for traffic through Wiltshire. With no paved area along the frontage of this site would mean that pedestrian users would need to cross the busy road to gain access to a pavement. It is considered that the increase in vehicular and pedestrian movements would lead to an unacceptable impact on highway safety.
In view of the above, I recommend this application be refused."

Final comments: "The proposed development, outside of a built up area where Manual for Streets would not apply, cannot provide adequate visibility in the south-westerly direction would be detriment to highway safety.
The proposed development effectively creates a new access onto the A350 Primary Route outside of a built up area contrary to Policy CP62."

Representations

16 letters of objection were received raising concerns as follows (in summary):

- The application site has continually flooded from the water source and is unsuitable for development.
- The application form is incorrect as the site is within 20 metres of an active watercourse.
- The additional development would result in flooding of the area being worse and result in health and safety issues.
- The access onto the A350 would use an existing dangerous access point which is not wide enough and has potential for cars to queue leaving the A350 to the site.
- Existing telegraph pole impacts the visibility for those leaving the existing access.
- The entrance is not suitable for uplift in traffic or pedestrian use.
- The site lies within the open countryside and not within the built-up part of West Ashton or Yarnbrook.
- Site is within the West Ashton Parish boundary and not within Yarnbrook.

- The proposal would result in the reliance of the private vehicle and unsustainable.
- The access it onto the National Primary Route Network which Core Policy 62 precludes new development being access directly from the PRN outside of built-up areas.
- Significant amount of hedgerow would need to be removed for visibility splays which would be harmful to the character and appearance of this street scene.
- No sufficient evidence that the proposal would not increase flooding onto the A350.
- Concern regarding pedestrian safety when field gate being blocked off.
- A350 has no safe footway to walk to buses and shops.
- The separate bat survey misses the whole of June.

Application Site and Proposal

The application site comprises a parcel of land connected to the existing residential property of 133 Yarnbrook Road. The land is laid to grass and is served by the existing vehicular highway access from Yarnbrook Road to serve the existing residential dwellings, as well as an informal gated access to the southern part of the site. The application claims that this is part of the existing residential curtilage however, this is questioned as the use of the land appears as an existing paddock and is historically appears as a

The A350 fronts the site (Yarnbrook Road) and this highway is a recognised Freight Route Network: West Ashton Road – Strategic Primary route.

The proposal seeks outline permission, with some matters reserved for the erection of four dwellings and associated works. The application is seeking approval of the access and layout with scale, appearance and landscaping being left as reserved matters.

ASSESSMENT

Principle of Development

The application site is located in connection to the built-up settlement of Yarnbrook. Yarnbrook is classified as a 'Small Village' within the Wiltshire Core Strategy under Core Policy 29 (Spatial Strategy for the Trowbridge Community Area). Under Core Policy 1 it outlines that small villages are places with a low level of services and facilities and few employment opportunities. As outlined within Core Policy 2 of the Core Strategy development at small villages would be limited to infill within the existing built area. Dwelling proposals for development at Small Villages will only be supported where they seek to meet housing needs of settlement, provided that the development:

i) Respects the existing character and form of the settlement
ii) Does not elongate the village or impose development in sensitive landscape areas
iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement

In this respect, it is considered that the application site lies within the built-up settlement of Yarnbrook. It is acknowledged that a public objector has raised that the application site is not within the built-up area of Yarnbrook. In particular raising that the application site lies within the West Ashton Parish boundary and not Yarnbrook. Whilst this comment is noted, this does not change the assessment that the site does fall within this settlement. Although the Parish boundaries run between dwellings, this does not mean that a site does not fall within the built-up settlement of a village. There are no official 'limits of development' for Yarnbrook to note, so the character of the area must be acknowledged. Whilst the

application site does provide a characterful small gap (with an agricultural paddock appearance) from the roundabout area (with many buildings) and the existing dwelling on site, this is not of a scale or relationship which is considered to result in the site not forming part of the built-up area comprises the 'meaningful collection of buildings' forming Yarnbrook. Turning to a recent appeal decision for development circa 110 metres to the north east of this site (PL/2023/10654 and appeal reference APP/Y3940/W/24/3342139). It was considered that this appeal site was not within the built-up area forming Yarnbrook however it was stated that "it would seem to me that the built-up form would logically be defined as 'skewing' away from the A350 at this locality" behind this appeal site. Whilst this application site is not behind this appeal site, it forms the first part of this 'skewed' form of the settlement in close relationship to the nuclear form of development around the highway junction. It is therefore considered that given the circumstances of the settlement and the application site, the site lies with the built-up form of the settlement of Yarnbrook (a small village).

As outlined within the Core Strategy "infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling." In this regard the term 'few dwellings' can be interpretated and as acknowledged within the planning statement appeal decisions such as APP/Y33940/W/16/3154507 had the Planning Inspector agree that four dwellings could accord with the infill criteria. Noting in particular the form and layout of the surrounding built-up area and housing of the area. In this respect, the application site is appropriately visually tied to the built-up form of the settlement and is not of a sufficiently large scale (albeit it is proposed for four dwellings), it is therefore considered on balance, that in this instance the proposal would constitute 'infill' development within the small village of Yarnbrook.

Consideration has now been afforded to the criteria contained within Core Policy 2 for infill development in small villages. In relation to criterion i) it is considered that the proposed siting and layout of four dwellings in this location would respect the existing character and form of the settlement. This will be further explored within the "Design and Visual Impacts' section below.

Regarding criterion ii) the proposal would not involve any adverse elongating of the village or impose development in sensitive landscape areas. The proposal would result in additional dwellings that would give an appearance of elongating built form along the A350 however would appear more an 'infill' of a space within the built-up settlement as oppose to extending or elongating the existing village. The development is not sited within a sensitive landscape designation and whilst new built form would result in a loss of a characterful open gap, it is not considered harmful in this respect, noting the surrounding character and siting.

Finally with regard to criterion iii) the proposal is not considered to consolidate an existing sporadic loose knit area of development. Whilst as above, it would result in a loss of an open gap within the street scene, whilst is not desirable, the scheme would not adversely consolidate an existing sporadic loose knit area of development. In particular to the immediate west of the application site as well as parts to the south and north east, it cannot be stated that the character is of sporadic loose knit character and appearance being a mix of medium density development in clusters.

The proposed development is therefore considered to accord with the Core Strategy in terms of the principle of housing at this site, as would accord with the housing policies relating to 'infill' development under Core Policy 2 of the Wiltshire Core Strategy.

· Housing Land Supply – titled balance not engaged

The National Planning Policy Framework (NPPF) was subsequently updated in December 2023 and under the latest national requirements, Wiltshire Council is now only required to demonstrate a 4-year housing land supply given the stage of advancement of the emerging new Local Plan. At present, the Council is able to demonstrate a housing land supply exceeding 4-years, currently confirmed at 4.2 years (published via the Housing Land Supply Statement - Base date: April 2023 - published in June 2024). As such, at the time of producing this report, the presumption in favour of sustainable development (or 'tilted balance') does not apply to this application with regard to housing land supply.

It is acknowledged that an open consultation is currently underway for proposed changes to the NPPF under "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" published 30 July 2024. Whilst this is only a consultation and not a formal change to the NPPF, it clearly outlines the intent to revert the changes to the NPPF made in December 2023 relating to the requirement to only demonstrate a 4-year housing land supply given the stage of advancement of the emerging new Local Plan. If the change under the consultation is formalised there will be a requirement for Wiltshire Council to demonstrate a 5-year housing land supply, which it cannot at present. Thus the titled balance would be engaged.

As this is only in the consultation period, very limited weight can be afforded towards this direction. The position officially stands that the tilted balance is not engaged due to the provisions of the current 2023 revision of the NPPF. A general planning balance of the proposal is still being made under the Conclusion/Planning Balance section at the end of this report.

Design and Visual Impacts

Core Policy 57 requires a 'high standard of design' for all new developments and to draw on the local context and be complementary to the locality. Core Policy 51 requires that development should protect, conserve and where possible enhance the landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The application seeks outline planning permission for the provision of four dwellings in context to the built-up form of Yarnbrook. The site is currently laid to grass and has an appearance of a 'paddock' with an existing five bar metal gate fronting the public highway. As explored previously above, the proposal is however considered to accord with the definition of 'infill development' under the housing policies of the Core Strategy.

The pattern of development of Yarnbrook is that the buildings and dwellings follow the linear lines of the public highways with a small cluster (which is immediate to the west of this application site) around the main highway junction point in the middle of this settlement. As previously mentioned, the linear form fronting West Ashton Road does however 'skew' to the north east away from the public highway however this particular location the pattern of development still follows the public highway, noting the adjacent 133 and 131 Yarnbrook Road which front the highway. Given this character of the area, it is considered that the layout proposed (which is being assessed under this outline permission) would be in-keeping with the pattern and character of the settlement. The dwellings would have a form which fronts the highway (although the elevations are not currently known) and would follow the linear form of settlement. The submitted block plan shows a layout including a pair of semi-detached dwellings and two detached dwellings. Parking and the internal access track would be present at the front of the site which would utilise the existing vehicular access point onto the public highway. The existing five-bar gate would be used only for pedestrian access.

The proposed layout demonstrated is considered acceptable to respect the character and appearance of the immediate settlement. The plot scales as demonstrated are of acceptable size and would not be harmful to the character of the area. Whilst the provision of four dwellings and their associated plots in this location would be out-keeping with the size of the plots to the north east, to the immediate west and noting the plots fronting the A350 to the south, there are examples of higher density/smaller plot sizes.

It is acknowledged that the layout of having an internal access track for four dwellings is not in general characterful for the area. Most dwellings in the locality have their separate access onto the public highway. Although this part of the layout is somewhat out of keeping, it is not considered harmful in this instance. The dwellings would still appropriately 'front' the highway and there is strong potential that the mature hedgerow (which currently provides visual value to the street scene) can be retained on site. With landscaping fronting the highway and the set back of the dwellings, this arrangement is not considered unacceptable at this outline stage. The layout and provision of four dwellings is therefore considered acceptable in terms of its visual amenity at this outline planning stage.

Regarding the access, it is proposed that the existing vehicular access point for the residential property of 133 Yarnbrook would be utilised. The only additional details submitted in this regard is the proposal to trim back some of the hedgerow around the access point to improve the visibility splay. As demonstrated on this plan, the hedgerow would remain either side of the access point however, just thinned close to the access part. Given that the full hedgerow is not proposed to be removed, there is no objection to the access proposed in terms of design and visual impacts. In relation to the 'south' access which is currently a five-bar gate. This would be changed to a pedestrian only access point which is considered to have no harmful visual impacts.

As such, subject to a suitable scale, appearance and landscaping which would need to be demonstrated at the reserved matters stage, the Local Planning Authority is satisfied that the scheme would not result in undue harm to the character and appearance of the area and street scene and would comply with the requirements of the Development Plan complies in terms of design and impacts upon the character of the area and landscape.

Residential Amenity

Although scale and appearance of the dwellings are a reserved matter, the proposed layout is being assessed under this outline application and the proposed block plan demonstrates how the layout of four dwellings would be possible on site. In this regard the dwellings could be satisfactorily be sited away from the shared boundaries to not give rise to unacceptable loss of outlook, overbearing effect, overshadowing or loss of light. It is acknowledged that there would be a level of overlooking between the existing properties and those proposed however, given the intervening distances possible and distances to the shared boundaries, it is considered that there could be an acceptable arrangement to not give rise to unacceptable overlooking or loss of privacy.

A reasonable standard of amenity is therefore capable of being secured at the reserved matters stage for the future occupants as well as the neighbouring occupants.

Highways

- Proposed Access

The application site is located off the A350 and the existing access that is currently for the residential property of 133 Yarnbrook only would be utilised. The only change to this access would be to improve the visibility splays slightly through the removal of parts of the existing hedgerow. An additional access (though appears little used and would have been an ad hoc agricultural use) is located to the south of the site, which includes a dropped kerb and a five-bar gate. This access is proposed to be blocked off for any possible vehicular use and proposed solely for pedestrian access given it provides access to the public footway along the highway.

The A350 is defined as a 'national primary route' under Core Policy 62 it outlines that "proposals for new development should not be access directly from the national primary route outside built-up areas, unless an over-riding need can be demonstrated." In this regard, it is acknowledged that the access is an existing arrangement, furthermore as previously assessed the site is deemed in a built-up area in housing policies terms. Whilst this is noted it has been assessed by the Local Highway Officer that the proposed development is outside of a built up area where Manual for Streets would not apply. Inadequate visibility is also considered to occur in the south-westerly direction to the detriment to highway safety. Finally whilst it is not a new access specifically the proposed development effectively creates a new access onto the A250 Primary Route whereby the proposed development would increase traffic movements across a busy section of the A350, which sits close to the Yarnbrook roundabout on the A350 primary route. The increased vehicular movements have been considered to lead to an unacceptable impact on highway safety.

The comments of the Highway Officer are agreed in this respect, the movements associated with four new dwellings (together with the existing dwelling of 133 Yarnbrook) would intensify the use of the vehicular access onto the primary route. The Primary Route Network is present to restrict new development and assist with traffic flow and reduce risk. The intensification of the use of this existing access and the movements associated with four new dwellings would give rise to unacceptable highway safety risks by using an inadequate access point onto the primary route. As noted by the Highway Officer this access sits close to the Yarnbrook roundabout and does not have adequate visibility splays. Whilst it is acknowledged that the visibility splays are proposed to be slightly improved through the application, it is not to such a degree that it would mitigate the highway safety risk of using this vehicular access point onto the primary route for significant additional vehicular movements. The additional movements using this access would not accord with the aims of preventing accesses onto the primary route network as would be detrimental to traffic flows, with additional movements associated with the dwellings directly entering and existing onto this route, and would also not reduce risk, whereby it is considered that the additional movements in this location on the A road, in a '50mph' section of road, and in proximity to the roundabout of Yarnbrook would pose a highway safety hazard.

It is furthermore noted that a recent appeal decision has been received for a new access for residential development (four dwellings) along the same stretch of road, although is sited further north east circa 100 metres along West Ashton Road. A refusal reason under planning reference PL/2023/10654 was in relation to highway safety concerns given it was a new access onto the National Primary Route Network.

In comparison to this application, it is acknowledged that this scheme was for a new access (albeit an overgrown field entrance exists) and further away from the main built-up area of Yarnbrook. Furthermore this part of the road has no access to a pedestrian pathway to the north western side of the busy A road. Whilst there are some differences, in particular noting that the scheme under this application would have easy pedestrian access to the existing footways to the south west, the highway concerns in terms of vehicle movements is considered similar.

The appeal decision relating to PL/2023/10654 (appeal reference APP/Y3940/W/24/3342139) noted that "the reasoning for the strict control over new development to the NPRN *[National Primary Route Network]* is to assist with traffic flow and reduce risk. Having observed the vehicular flows, speeds and make-up on this section of the A350, along with its alignment, lack of adequate footways, lighting or crossings, and having also personally gained access to the road from three existing nearby points, I would deem that new development served as planned would undoubtedly hinder traffic flow and significantly increase risk. Whatever the details of the entrance design, I would say that this is not a suitable location for new housing to emerge onto the NPRN. The scheme would also fail to suitably provide for any meaningful pedestrian or cycle arrangements."

In this regard, the comments of the Planning Inspectorate are applicable to this application, which is only circa 110 metres down the same road, on the National Primary Route Network. Whilst there would be a pedestrian route for the occupants of this scheme due to the link proposed through an existing access, and that this proposal is not seeking a new access, just a slightly improved existing access, the provision of four new dwellings would result in adverse additional traffic flow onto this network, in particular in this instance closer to the roundabout to the south west and a very slight bend. It must therefore be considered, in line with the comments made by the Planning Inspector in the very recent appeal just a bit further down the road, that this application site is not a suitable location for any new housing to emerge onto the Primary Route Network and would result in a highway safety risk.

It is noted that initially the Local Highway Officer for this application raised an objection on the basis of pedestrian movements as well. Stating that "with no paved areas along the frontage of the site would mean that pedestrian users would need to cross the busy road to gain access to a pavement." It was confirmed within the submission through amended plans that the existing 'agricultural' access would be blocked for vehicular use and would be for pedestrian access only. This access leads directly onto a pavement which leads directly to the rest of Yarnbrook to the south west. In this respect it is therefore considered that there would not be any unacceptable pedestrian movements as there will be access for the new occupants to the footways (which in turn lead to bus stop etc.). The lack of harm for movements of pedestrians does however not mitigate the above that the proposal would lead to unacceptable highway safety impacts upon the primary route network from associated vehicular movements.

- Locational sustainability

Core Policy 60 and 61 aim to direct development to accessible locations where it is 'located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives'.

The first Highway Officer comments received raised the following comments:

"The site is located outside of the settlement policy boundary, raising concerns with regards to the sustainability of the site for residential development due to the likely reliance upon the private car for any occupants and their visitors/lack of pedestrian facilities/safe cycling provision. The proposal is therefore, contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy and Section 9, paras 108, 110, 114 & 116 of the National Planning Policy Framework Dec 2023, which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives in order to promote a sustainable pattern of development."

In this respect the proposal is considered to accord with the housing policies contained within Core Policies 1 and 2 and therefore as a form of 'infill' development the proposal is considered to form a sustainable location for housing. The Highway Officer initially raised concerns over the lack of pedestrian

facilities and safe cycling provision. In terms of pedestrian facilities as addressed previously due to the proposed access for pedestrians directly onto the footway which leads to the main part of Yarnbrook, this arrangement is acceptable. Pedestrians have access to the limited services and facilities of Yarnbrook, including access to nearby bus stops. In terms of cycling it is considered that the use of the A350 for cycling would pose a risk (and would deter all but the most experienced cyclists) however as there is only a small section before the roundabout whereby any cyclist could go off the primary route network, this means of travel is considered possible, and would not justify a specific refusal reason in this regard. The use of the private vehicle is expected for this development however given that the pedestrian route to the existing footways is proposed it is not considered that the scheme would prevent occupants to use sustainable transport alternatives. It is not therefore considered a refusal reason in this regard, noting in particular the location is deemed to accord with the sustainable approach for housing locations under Core Policies 1 and 2 (in principle), is warranted in this instance.

Ecology

The site is located within the red high-risk zone of the Trowbridge Bat Mitigation Strategy (TBMS) SPD (adopted 2020). The red risk zone is located within 600m of woodlands or trees known to support maternity roosts for Bechstein's bat. New development of greenfield or residential brownfield sites within this zone is likely to result in high and unacceptable risks to bat populations, as a result of increased recreational pressure on key woodland sites and/or as a result of habitat loss. As such, development of new sites within this zone is highly unlikely to be permitted, and there should be no net increase in new residential curtilage or light levels within the zone. Policy 8 of the Neighbourhood Plan sets out a requirement that all development will need to comply with guidance on survey and mitigation contained in the TBMS. The Neighbourhood Plan also reiterates that "development is unlikely to be permitted in areas identified as being of high sensitivity for bats."

It is acknowledged that the site has been claimed as residential curtilage however this has been questioned given the appearance of the site is an agricultural 'paddock'.

The applicant has submitted ecology reports which has been assessed by the Council's Ecologist. It has been concluded by the Officer that insufficient information has ben submitted to enable an Appropriate Assessment to be completed, which must be completed, and the conclusion agreed with Natural England prior to the application being determined. Insufficient information has been received to demonstrate that the development is in accordance with the TBMS and Policy 8 of the Neighbourhood Plan as well as Core Policy 50 of the Core Strategy.

The submitted ecology documents report that the site boundary along West Ashton Road is already subject to artificial lighting from street lights, this however has not been evidenced with a baseline lighting report. The report has also been considered not to evidence the importance of the on-site grassland as a foraging resource for SAC bats. The static surveys did not cover the permanent grassland habitat onsite as detectors were located at the boundaries only. Furthermore, bat behaviour cannot be observed using this survey method and given the directional nature of horseshoe bat calls, the use of the grassland habitat by SAC bats cannot be discounted using this survey method. Transect surveys of the site were carried out, however these finished two hours after sunset which is not considered sufficient to capture later emerging species such as horseshoe and Beckstein's bats.

A parameters plan was requested and submitted however the plan indicated the location of a 'bat corridor' however this is located over land which is largely outside the site boundary and within the adjacent neighbouring property.

A bat mitigation strategy was required (and not submitted) which sets out how the development would comply with Section 8.2 of the TBMS. The entire north-northwestern boundary was expected to have a minimum of 30m buffer to ensure the site continues to provide a dark commuting corridor and foraging habitat availability for SAC bats. Habitats within the buffer must be managed for the benefit of bats and must be wholly outside of residential curtilage. In this respect and noting the issues with the submitted parameters plan (covering land outside of the red line) it is deemed that the layout as proposed would not allow this sufficient buffer to occur on the land to the detriment of the SAC bats.

As such there is insufficient information has been provided to determine ecological impacts, including the extent to which the proposed development would impact upon bats associated with the Bath and Bradford-on-Avon SAC. In carrying out its statutory function, the Local Planning Authority must be reasonably sure that the proposal will not result in significant adverse effects on protected habitats or species. Development within the TBMS red zone would unlikely be able to provide adequate mitigation to enable an assessment under the Habitat Regulations to conclude, beyond reasonable scientific doubt, no adverse effect on the integrity of the SAC. It is considered that insufficient information has been received to determine the ecological impacts, though the submission of the required information does not guarantee that the objection would be overcome, but would allow the Local Planning Authority from undertaking its statutory function in assessing the impacts. A refusal reason is therefore recommended in this regard.

Archaeology

The application site is located in an area populated by later medieval field systems and enclosures with patches of later prehistoric and Romano-British activity. As assessed by the Council's Archaeology Officer there is potential for as-yet unrecorded sub-surface archaeological features and/or deposits to survive within the site and despite large parts of the site having been impacted by modern development and landscaping, isolated 'islands' of archaeology may still survive here.

As such it was recommended by the Archaeology Officer that any groundworks associated with the development are monitored by qualified archaeologists with this monitoring secured via a planning condition. This written programme of archaeological investigation would have been controlled by way of condition if the application was otherwise being recommended for approval. With this condition, the scheme would have however been considered acceptable in terms of its impacts upon heritage assets.

Drainage and Flood Risk

Although the application is located within Flood Zone 1, the Strategic Flood Risk Assessment (SFRA) has identified the site as within an area of ground water flooding and surface water flooding. The SFRA sets out what is classified as a High Risk source of other flooding. On page 54 of this document it sets out that these are sites where:

· More than 10% of the site is at risk from surface water flooding in the 1 in 1,000-year event
· More than 10% of the site is within highest risk category in JBA Groundwater map (groundwater is <0.025m below the surface in the 1 in 100-year even) [Red layer Appendix G SFRA 2019]
· More than 75% of the site is within the second highest risk category in JBA Groundwater map (groundwater is between 0.025m and 0.5m below the surface in the 1 in 100-year event) [Orange Layer Appendix G SFRA 2019]

The application site is covered by more than 10% at risk of surface water flooding and thus a sequential test was considered required. It is duly noted that considerable public concern was raised about flooding on site, whereby localised flooding is a problem for the area and site, and has been well documented by local residents.
Paragraph 165 of the National Planning Policy Framework states that:

"inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk."

Paragraph 167 goes on to state that:

"All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage and residual risk, by:
a) Applying the sequential test and then, if necessary, the exception test as set out below;…"

The NPPF is clear at Paragraph 168 when it states that:

"Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

The sequential test should therefore be applied to the development, in line with the requirements of the Framework as the site is within an area of surface water flood risk and the application is for a development type that is not exempt from the test, as specified in footnote 56 of the Framework.

The applicants have not conducted a sequential test and it is therefore considered that it has not been demonstrate that there are sequentially preferable sites that could accommodate the development i.e. sites with a lower flood risk. This is contrary Paragraphs 159 and 161 of the NPPF. Whilst Core Policy 67 in the Wiltshire Core Strategy deals with flood risk, it is silent on the matter of all sources of flooding as the plan was adopted in 2015, some 6 years prior to the revisions of the NPPF noted in the above referenced paragraphs.

Whilst the proposal is unacceptable as a sequential test has not been submitted, a site-specific drainage strategy was submitted during the application process. This was reviewed by the Council's Drainage Officer (Lead Local Flood Authority). The Drainage Strategy was assessed however it is considered highly incorrect that the strategy identifies the site to be in Fluvial Flood Zone 1 but does not consider flooding from other sources, including the previously identified surface water flooding.

The applicant's strategy is outlined to be to provide an attenuation pond to the north of the site adjacent to the ordinary watercourse. Due to this being indicated within an area of pluvial flood risk, the applicant is required to demonstrate that the attenuation would not become inundated with flood water, and therefore fail to provide attenuation for the site-based runoff. This has not been provided.

The proposed drainage strategy also seeks to utilise 2 no. orifice plate flow controls in order to restrict discharge from the site (proposed at 5mm and 14mm diameter respectively). The guidance from C7.12 of Appendix C of the Sewerage Sector Guidance (whereby a minimum diameter of 50mm is recommended) results in the assessment that these orifice diameters would have an unacceptable risk of blockage, and causing flooding on site.

The submitted drainage calculations furthermore assume a depth of storage within the attenuation pond of 660mm, with water levels for the 1 in 100yr+ climate change rainfall coinciding with the top of the pond. Wiltshire Council requires a 300mm freeboard above the 1 in 100yr+ climate change water level to be achieved and the current submitted drainage design does not do this.
It is also considered that the proposed attenuation is likely undersized to meet climate change requirements. The strategy uses a +40% climate change allowance on the 1 in 100yr return period. Based on current Environmental Agency Guidance a +45% climate change allowance should be used on the 1 in 100yr return period storm, when considering the upper end allowed, 2070s epoch.

As such the submitted drainage strategy does not adequately demonstrate that surface water drainage runoff can be safely managed on site and is contrary to Core Policy 67 and guidance contained within the NPPF.

S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

Conclusion/Planning Balance

The site is considered to constitute 'infill development' in accordance with Core Policies 1 and 2 of the Core Strategy, in particular due to the siting within the built-up settlement of the 'Small Village' of Yarnbrook (Core Policy 29). The titled balance is currently not engaged due to the provisions of the NPPF and the four year housing land supply. Whilst a consultation on changes to the NPPF is currently taking place, this is considered to have no weight in this application as the changes are at this very preliminary consultation stage which no guarantee it will come into force.
Whilst the principle of housing is acceptable in terms of the housing policies of the Development Plan it is still subject to other relevant planning matters. The proposal is acceptable in terms of design and neighbouring amenity (at this outline stage) and regarding archaeology. The proposal is however considered unacceptable in terms of highway impacts, ecology impacts and drainage impacts (including a lack of the sequential test submitted).

The limited benefits of this scheme include new housing for the housing stock, new occupants contributing to the local economy and spin off economic benefits from the construction of the houses. These very limited benefits are not considered to outweigh the harm generated from the adverse highway safety impacts from the additional vehicular movements onto the primary route network, the insufficient information relating to ecology and the impact upon the SAC bats, nor the lack of sequential test regarding flooding and the inadequate drainage strategy submitted to ensure that the site is not a risk of flooding or increasing flood risk elsewhere. The application is therefore being recommended for refusal.

RECOMMENDATION:
Refuse

Refusal Reason(s): (4)

1 The proposal would result in an intensification of vehicular movements associated with four dwellings onto the National Primary Route Network and would utilise an inadequate existing vehicular access point. The use of this access for the additional movements would not assist with the traffic flow or reduce risk to the National Primary Route Network. The intensification of use of this access would result in highway safety concerns whereby it would increase the risk of hazards and inconvenience to all user of the public highway.

The proposal would therefore result in unacceptable impacts on highway safety in this location and the development is therefore contrary to Core Policy 57 (ix) and (xiv), Core Policies 61 and 62 of the WCS and guidance contained within the National Planning Policy Framework (2023).

2 The applicant has failed to provide sufficient information to determine ecological impacts, including the extent to which the proposed development would impact upon bats associated with the Bath and Bradford-on-Avon SAC; and, as a consequence, the application is not considered to be environmentally sustainable. The proposed development therefore does not comply with Core Policy 50 of the Wiltshire Core Strategy, Policies 6a and 8 of the West Ashton Neighbourhood Development Plan (2021), the adopted Trowbridge Bat Mitigation Strategy Supplementary Planning Document or advice contained in the National Planning Policy Framework (2023). The proposal is also in contravention of the Habitats Regulations and must be refused in accordance with paragraph 186(a) of the National Planning Policy Framework (2023).

3 Paragraph 165 of the National Planning Policy Framework (2023) seeks to direct development away from areas of high flood risk with Paragraph 167 qualifying that decision makers should take account of all sources of flood risk. Paragraph 168 affirms that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

The Wiltshire Council Strategic Flood Risk Assessment (SFRA) identifies that the site is in an area at risk from surface water flooding whereby a sequential test is required. A sequential test has not been submitted with the application and therefore, there is insufficient information to enable the decision maker to ascertain whether there are sequentially preferable sites with a lower flood risk that could accommodate the proposed development.

As such, the proposed development conflicts with the requirements within the SFRA and NPPF to conduct sequential testing for sites at risk from groundwater flooding. Accordingly, the scheme is contrary to Core Policy 67 of the Wiltshire Core Strategy and to national policy contained within the National Planning Policy Framework (2023), notably, Chapter 14 on Planning and Flood Risk as it cannot be concluded that the development will not lead to increased flood risk to people and/or property.

4 Notwithstanding the lack of sequential test submitted, the applicant has submitted an unacceptable Drainage Strategy whereby the proposed strategy does not adequately consider flooding from other sources, including surface water flooding. There has been a failure to demonstrate that the strategy would provide attenuation for the site-based run-off and the orifice diameters proposed

would have an unacceptable risk of blockage on site. The attenuation proposed is also considered undersized to meet climate change requirements.

As such the submitted drainage strategy does not adequately demonstrate that surface water runoff can be safely managed on site and would increase flood risk elsewhere. The proposal is therefore in conflict with Core Policy 67 of the Wiltshire Core Strategy and guidance contained within the National Planning Policy Framework (2023).